

REMARKS

Claims 1-38 were rejected as unpatentable over LEWIS 6,442,169 in view of LUDWIG et al. 6,487,218. Reconsideration and withdrawal of the rejection are respectfully requested.

The Official Action acknowledges that LEWIS does not disclose the limitation of reserving the internet protocol address before authentication of the subscriber terminal, and relies on LUDWIG et al. for the suggestion to modify LEWIS to include this feature. However, it is not believed that one of skill in the art would be motivated to make the combination suggested in the Official Action, or that this limitation would result from such a combination if the combination were made.

LEWIS discloses a system that appears to be similar to that of the admitted prior art of Figures 2-3. As noted at column 30, lines 46-48, the server authenticates the call and assigns the IP address. LUDWIG et al. disclose a CSD-PPP peer operation that operates in the same manner in which the internet protocol address is reserved after authentication of the subscriber terminal. LUDWIG et al. also note (column 11, lines 26-32) that in the case of an exception to this protocol, when the authentication fails while an IP address has already been assigned, the link must be terminated. In other words, both LEWIS and LUDWIG et al. describe systems that are distinguishable from the present invention, while LUDWIG et al. further describe what to do when an exception occurs. The Official Action relies

on the description of what to do when the exception occurs as a basis for modifying LEWIS.

It is not believed that one of skill in the art would change the order of reserving the internet protocol address and authenticating the subscriber terminal in LEWIS based on the mention in LUDWIG et al. that authenticating first is an exception. The mention of the exception in LUDWIG et al. is not a suggestion, reason, teaching, or motivation to actually make the exception the rule; it is merely a reference to a "what if" scenario - what if something fails and the authentication occurs out of order.

Further, even if the combination were made, the result would include a provision for an exception from the normal procedure (the normal procedure being authentication before reserving the address) in the event of a failure that allowed the reservation to occur first. This is not the same as actually changing the system so that the IP address is reserved before authentication.

The Official Action points out that it would be a waste of resources to authenticate the subscriber terminal when an IP address is not available. However, this is exactly what both LEWIS and LUDWIG et al. do in their normal procedures. Apparently, both LEWIS and LUDWIG et al. consider reserving the IP address first to be an even greater waste of resources (e.g., the reserved IP address is unavailable to others and may have

been unnecessarily withheld if authentication fails) because they do not do this normally and at least LUDWIG et al. regard it as an exception.

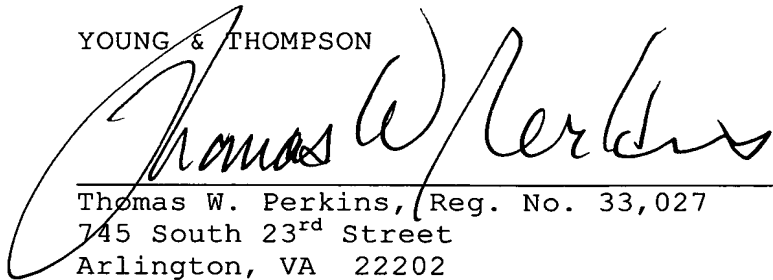
Since there is no suggestion in either reference to actually reverse the normal procedure, one of skill in the art would not be motivated to do so, and the claims avoid the rejection under §103.

In view of the foregoing remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A large, stylized handwritten signature in black ink, which appears to read "Thomas W. Perkins". The signature is written over a horizontal line.

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